



مركز الميزان لحقوق الإنسان  
Al Mezan Center for Human Rights



Tuesday, 26 March 2019

**Office of the UN High Commissioner for Human Rights**

Palais Wilson,  
52 Rue des Pâquis,  
CH-1201 Geneva,  
Switzerland

**Re: Joint Urgent Appeal to the UN Special Procedures ahead of the One-Year Commemoration of the “Great Return March” in the Gaza Strip**

*To the attention of:*

- **Mr Michael Lynk**, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967;
- **Ms Agnes Callamard**, Special Rapporteur on extrajudicial, summary or arbitrary executions;
- **Mr Clément Nyaletsossi Voule**, Special Rapporteur on rights to freedom of peaceful assembly and of association;
- **Mr David Kaye**, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- **Ms Leilani Farha**, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context;
- **Mr Michel Forst**, Special Rapporteur on the situation of human rights defenders;
- **Mr Idriss Jazairy**, Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights; and
- **Mr Dainius Pūras**, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health;

Dear Mr Lynk, Ms Callamard, Mr Voule, Mr Kaye, Ms Farha, Mr Forst, Mr Jazairy, and Mr Pūras,

It is with grave concern that we address this joint urgent appeal to the United Nations (UN) Special Procedures on behalf of Al-Haq, the Palestinian Center for Human Rights (PCHR), and Al Mezan Centre for Human Rights ahead of the one-year anniversary of the “Great Return March” demonstrations, which will be commemorated in the occupied Gaza Strip on and around 30 March 2019. Palestinians will mark the culmination of one year of protests, which have called for an end to Israel’s 11-year closure of the Gaza Strip, which amounts to unlawful collective punishment and has made Gaza virtually uninhabitable, as the UN has repeatedly warned.<sup>1</sup> At the same time, Palestinians have been calling for an end to Israel’s prolonged

<sup>1</sup> UN Doc. TD/B/65(2)/3, 23 July 2018, para. 27.

occupation of the occupied Palestinian territory (OPT) at large, and for the realisation of the inalienable rights of Palestinian refugees, who make up a majority of the Gaza Strip's population as mandated by international law.

We recall that, for 51 weeks, the Israeli occupying forces have systematically resorted to unlawful force, using lethal and other excessive force to suppress the demonstrations. Since 30 March 2018, Israeli forces, including snipers, have killed 197 Palestinians within the context of the protests, including 42 children, eight persons with disabilities, three paramedics, and two journalists, while injuring over 29,000 according to the World Health Organization, including over 6,500 injured by live ammunition, of whom more than 1,200 have been left with complex limb injuries requiring multiple surgeries and long-term follow up, for which Gaza's health sector is severely underequipped.

**As the one-year mark approaches, we express serious concerns that the Israeli occupying forces will once again resort to excessive and unlawful force to suppress the protests, as they have for the past 51 weeks.** We note that the UN Commission of Inquiry on the 2018 OPT Protests issued a call on Israel, on 18 March 2019, to revise its rules of engagement for the use of live fire and to bring them in line with international human rights law, while stressing that “[t]he one-year anniversary of the protests is less than two weeks away. We hear that crowds are going to be large at the official protest sites. The excessive use of force that took place on 30 March, 14 May and 12 October 2018 must not be repeated”.<sup>2</sup> In addition, the UN Special Procedures have stressed, in a press release dated 17 April 2018, that “[n]o evidence has emerged showing that ... a situation occurred during the demonstrations that would make the lethal force used legal”.<sup>3</sup>

We further note that the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 has issued similar warnings ahead of the one-year commemoration of the protests, in a press release dated 5 March 2019, in which he “expressed concern over possible rising levels of violence if no firm action was taken to pursue accountability and justice”.<sup>4</sup> Despite these calls, the Israeli occupying forces have continued to resort to excessive and lethal force to suppress the protests, including on 22 March 2019, following the adoption by the UN Human Rights Council of draft accountability resolution A/HRC/40/L.25,<sup>5</sup> welcoming the findings of the UN Commission of Inquiry on the 2018 OPT Protests and committing to implementing the Commission's recommendations.<sup>6</sup> That Friday,

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<sup>2</sup> UN Human Rights Council, “UN Commission urges Israel to review rules of engagement before Gaza protest anniversary”, 18 March 2019, available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24348&LangID=E>.

<sup>3</sup> OHCHR, “UN human rights experts condemn killings of Palestinians near Gaza fence by Israeli security forces”, 17 April 2018, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22950>.

<sup>4</sup> OHCHR, “Accountability needed to end excessive use of force against Palestinian protesters in Gaza, says UN expert”, 5 March 2019, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24255&LangID=E>.

<sup>5</sup> Al-Haq, “Al-Haq Welcomes Adoption of UN Commission of Inquiry Recommendations on the Great Return March”, 23 March 2019, available at: <http://www.alhaq.org/advocacy/targets/united-nations/1374-al-haq-welcomes-adoption-of-un-commission-of-inquiry-recommendations-on-the-great-return-march>.

<sup>6</sup> UN Doc. A/HRC/40/L.25, 22 March 2019, para. 1-2.

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the Israeli occupying forces again resorted to live ammunition against unarmed civilian protesters in the Gaza Strip, resulting in the killing of two Palestinians, **Jihad Munir Harara**, 24, and **Nidal Abdel-Karim Shatat**, 29, on 22 March.<sup>7</sup>

As large-scale civilian protests are expected to take place, once again, on and around 30 March 2019, Israel must be strictly reminded of its obligations under international human rights law to respect, protect, and fulfil the rights of Palestinians to life, to freedom of expression and of peaceful assembly, to health, and to dignity. Accordingly, we call on UN Special Procedures to urge Israel not to resort to excessive and unlawful force and lethal force against unarmed protesters participating in the “Great Return March” in the Gaza Strip, especially as we approach the one-year anniversary, and to ensure the protection, in particular, of individuals with special protected status under international law, including children, persons with disabilities, health workers, and journalists. **In light of the above, Al-Haq, PCHR, and Al Mezan urge your mandates, and further relevant UN Special Procedures mandate holders, to:**

- 1- Publicly call on the Government of Israel not to resort to excessive force and lethal force against unarmed civilian protesters within the context of the “Great Return March”, and to respect Palestinians’ rights to life, to freedom of expression and of peaceful assembly, among other fundamental rights;
- 2- Call on the Israeli army to release its rules of engagement for the use of live fire in situations of mass protests, and to bring them in line with international human rights law, as recommended by the UN Commission of Inquiry on the 2018 OPT Protests, especially in the lead up to the one-year commemoration of the “Great Return March”;
- 3- Follow up on the implementation of the recommendations contained in the report of the UN commission of inquiry on the 2018 OPT Protests, as adopted by the UN Human Rights Council on 22 March 2019, notably in relation to bringing Israel’s closure of the Gaza Strip to an end with immediate effect and without delay;
- 4- Highlight the obligations of relevant duty bearers and third States in fulfilling the right to health of Palestinians in the occupied Gaza Strip, including to ensure the right of injured Palestinians to access medical services and receive treatment within the Gaza Strip, in the occupied West Bank, including East Jerusalem, or abroad, while calling on UN Member States to support the healthcare system in Gaza, and on all relevant duty bearers to ensure timely and efficient coordination for the entry of medical supplies and equipment and other basic humanitarian supplies in addition to humanitarian workers into the Gaza Strip, as recommended by the UN Commission of Inquiry on the 2018 OPT Protests;
- 5- Call on the UN High Commissioner for Human Rights to publicly refer the dossier on alleged perpetrators prepared by the UN Commission of Inquiry on the 2018 OPT Protests to the Office of the Prosecutor of the International Criminal Court (ICC) in her ongoing preliminary examination into the situation in Palestine since 13 June 2014, and call for the

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<sup>7</sup> Al-Haq, “Update from the 51st Great Return March Protests: Israel Kills Two Palestinians as UN Calls for Accountability”, 23 March 2019, available at: <http://www.alhaq.org/advocacy/topics/gaza/1376-update-from-the-51st-great-return-march-protests-israel-kills-two-palestinians-as-un-calls-for-accountability>.

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immediate opening of an investigation by the ICC, the only viable independent judicial body capable of ending impunity for crimes committed in the OPT and effectively deterring the commission of future crimes;

- 6- Encourage the UN Secretary-General, under Article 99 of the UN Charter, to exercise his powers to bring to the attention of the Security Council the situation in the Gaza Strip, as potential escalations may threaten the maintenance of international peace and security, and should the Security Council fail to act because of lack of unanimity amongst its permanent members, encourage UN Member States to request the convening of an Emergency Special Session of the UN General Assembly to bring to an immediate end Israel's 11-year closure of the Gaza Strip, under a uniting for peace resolution;
- 7- Recommend that UN Member States seek a UN General Assembly resolution for an Advisory Opinion of the International Court of Justice on the illegality of Israel's prolonged 51-year occupation of the Palestinian territory; and
- 8- Urge the international community to address the "Great Return March" within the context of its root causes, to bring an end to Israel's unlawful closure of the Gaza Strip and prolonged occupation of the Palestinian territory at large, and to realise the right of Palestinian refugees to return to their homes and property, as mandated by international law, 70 years since their original displacement.

Within this context, Al-Haq, PCHR, and Al Mezan urge the UN Special Procedures to add their voice to that of the UN Commission of Inquiry on the 2018 OPT Protests and to put pressure on Israel not to resort to lethal force and other excessive force in suppression of the "Great Return March", especially as it nears its one-year mark. Overall, we stress that there is an urgent need to pursue the implementation of the recommendations of the UN Commission of Inquiry and to protect Palestinians as they continue to exercise their right of peaceful assembly in the Gaza Strip and the rest of Palestine. Ultimately, if Palestinians' faith in international justice mechanisms is to be restored, then urgent steps need to be taken to protect Palestinians from further assaults and to ensure genuine accountability by addressing the root causes of the "Great Return March".

Yours sincerely,

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